

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 12/23/04

Signature: (Gina Blundell)

Docket No.: APBI-P04-035
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Baltimore et al.

Application No.: 10/037415

Confirmation No.: 7747

Filed: January 4, 2002

Art Unit: 1646

For: NUCLEAR FACTORS ASSOCIATED WITH
TRANSCRIPTIONAL REGULATION

Examiner: Not Yet Assigned

PETITION UNDER 37 C.F.R. 1.53(E)

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Omitted Items mailed October 26, 2004, Applicants file this petition under 37 C.F.R.1.53(e).

The Notice of Omitted Items states that page 85 has been omitted from the specification. Applicants respectfully assert that page 85 was filed at the PTO as of the effective filing date of January 4, 2002.

As evidence that the application, including page 85, was deposited with the PTO, Applicants enclose a copy of the itemized return receipt postcard, date stamped January 4, 2002 (Exhibit A). There is no indication on the postcard that page 85 is omitted. Therefore, Applicants maintain that the PTO received the patent application with page 85 included. See MPEP §503.

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A copy of page 85 as filed is enclosed (Exhibit B). It is Applicants' standard procedure to prepare an internal record copy of the patent application as filed, at the time of filing. The enclosed page 85 is an exact duplicate of page 85 as found in the internal record copy.

Please charge our Deposit Account No. 18-1945 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. APBI-P04-035. A duplicate copy of this paper is enclosed.

Dated: December 23, 2004

Respectfully submitted,

By 

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